

FIRST REGULAR SESSION

SENATE BILL NO. 152

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILSON.

Pre-filed January 4, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

0762S.01I

AN ACT

To amend chapter 196, RSMo, by adding thereto three new sections relating to youth smoking.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 196, RSMo, is amended by adding thereto three new sections, to be known as sections 196.1010, 196.1013, and 196.1016, to read as follows:

196.1010. As used in sections 196.1010 to 196.1016, the following terms mean:

- (1) "Commission", commission for youth smoking prevention;**
- (2) "Master settlement agreement", as defined in section 196.1000;**
- (3) "Participating manufacturer", as defined in section II of the master settlement agreement;**
- (4) "Subsequent participating manufacturer", as defined in section II of the master settlement agreement.**

196.1013. There is hereby established in the state treasury the "Youth Smoking Prevention Trust Fund" to be held separate from all other public moneys and funds of the state. The state treasurer shall deposit into the fund all moneys received from subsequent participating manufacturers under the master settlement agreement beginning in fiscal year 2006 and in perpetuity thereafter. Moneys in the fund shall not be subject to appropriation for purposes other than those of evidence-based youth smoking prevention programs designated by the commission for youth smoking prevention established in section 196.1016. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, the moneys in the fund and interest earned thereon shall not revert to the credit of general revenue at the end of the biennium. All yield, interest, income, increment, or gain received from time deposit of moneys in the state treasury to the youth smoking prevention trust fund shall be credited by the state treasurer to the fund.

196.1016. 1. There is hereby created the "Commission for Youth Smoking Prevention", a type II entity which shall be established in the department of health and senior services and consist of the following, or their designee:

- (1) The president of the Missouri chapter of the American Cancer Society;
- (2) The president of the Missouri chapter of the American Heart Association;
- (3) The president of the Missouri chapter of the American Lung Association;
- (4) The president of the Missouri State Medical Association;
- (5) The president of the Missouri Nurses' Association;
- (6) The executive director of the Missouri Partnership on Smoking or Health;
- (7) The president of the Kansas City Medical Society;
- (8) The president of the Mound City Medical Forum;
- (9) The director of the Missouri department of health and senior services;
- (10) The director of the Missouri department of mental health;
- (11) The attorney general of Missouri;
- (12) The president pro tempore of the Missouri senate;
- (13) The speaker of the Missouri house of representatives.

2. Members of the commission shall serve two-year terms, subject to redesignation. Senate confirmation shall not be required. Service shall be voluntary, with reasonable reimbursement for expenses incurred by members who are not employees of the state of Missouri.

3. All youth smoking prevention programs funded by the commission shall be modeled upon evidence-based programs proven to reduce youth smoking in one or more jurisdictions within the United States. No program shall be funded by the commission that is sponsored by or has any connection with any tobacco company or any entity whatsoever with any financial ties to any tobacco company. No member of the commission may be an employee of or have any financial interest in any tobacco company or any company or private organization with any financial tie to any tobacco company.

4. The commission shall submit a report by December 15, 2005, to the governor, the speaker of the house of representatives, and the president pro tem of the senate that includes information regarding the commission's recommendations for program guidelines and administration. No later than December 15 of each following year, the commission shall submit a report to the governor, the speaker of the house of representatives, and the president pro tem of the senate, which shall include information regarding the number of program applicants and evaluation of programs currently being funded based on accountability standards set by the commission.

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

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